DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 5, 2007 has been entered.

The objection claims 95 and 96 and the 35 U.S.C. 101 rejection of claims 56-61, 97, and 98 are now withdrawn in view of the amendments.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on September 17, 2007 was filed after the mailing date of the Office Action on June 5, 2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

3. Applicant's arguments filed September 5, 2007 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 1-4, 9-13, 19-22, 30, 90-94, 99-104 that Bruck does not disclose that the supplemental information displayed in each of the two

areas comprises descriptive information about one or more television programs. However, reading the claims in the broadest sense, Bruck does meet that limitation in the claims. As discussed below in the rejection, Bruck discloses that the supplemental information in each area of the second portion of the display comprises descriptive information about one or more television programs (See Fig. 10). The left side of the screen contains descriptive information (Dr. Katz, 9:30 AM) about one or more television programs. Furthermore, the bottom side of the screen contains descriptive information (Chat region) about one or more television programs. Applicant argues that a Chat region does not have descriptive information about one or more television programs. However, Bruck discloses that the chat regions are specific to each television program (See col. 2 lines 3-14, col. 7 lines 26-29, and col. 10 lines 11-19). Therefore, a viewer can obtain more descriptive information about the television program from other viewers from the Chat region. Bruck discloses an example of the descriptive information a viewer can obtain from a chat session in Figs. 11 and 12.

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4, 9-13, 19-22, 30, 91-94, 103, 104 rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 20040226042A1) in view of Bruck et al. (US007143428B1).

In regard to claim 1, Ellis discloses an interactive television program guide where the viewer may direct a television to simultaneously display a selected television program and a program guide (abstract). The claimed steps of "displaying a first video content having an original size on a display", "converting the first video content to a predetermined reduced size format wherein the first reduced size video content is displayed on a first portion of the display", "converting data associated with the supplemental information to a format wherein at least one of textual content and graphic content representing at least a portion of the supplemental information is displayed on a second portion of the display distinct from the first portion of the display at the same time as the first video content is displayed on the first portion of the display" are met by the system shown in Figure 2. "Set-top box 34 can be directed to present program guide display 70 on main display screen 72. Set-top box 34 may re-proportion (i.e., shrink) the amount of screen area used by current program 77 (channel 5) such that main display screen 72 presents both program guide display 70 and current program 77 unobscured (not shown). However, if desired, program guide display 70 may also be superimposed on top of a portion of current program 77 as shown in FIG. 6. This allows the viewer to simultaneously view video-on-demand program listings while viewing a television program on main display screen 72" (Paragraph 0054). The user does not control the

size of the "first" or "second portion" of the display; therefore the reduced size of the major portion of the display is predetermined. "Program guide information 21 transmitted by main facility 22 to regional television distribution facility 26 may include television program listings data for current programs, future programs, and video-on-demand programs. The program listings data for each program may include (but is not limited to) the title of the program, the channel for the program, a scheduled broadcast time (start-time) and an ending time (or duration). Other typical program data may include ratings, critics ratings, brief text descriptions, genres (sports, movies, children, etc.), actors, etc. Transmitted program information may also include advertising information and pay program data such as pricing information for individual programs including VOD programs and subscription channels, time intervals for ordering programs and channels, telephone numbers for placing orders that cannot be impulse ordered, etc" (Paragraph 0044). "An illustrative remote control 50 is shown in FIG. 5. During normal operation, play key 58 or VOD browse key 51 may be used to toggle the program guide display on and off the main display screen. Channel up and down keys (channel keys) 57 may be used to change the channel to which set-top box 34 is tuned. Up and down cursor keys 54a and 54b may be used to vertically scroll through the available video-on-demand programs on the program guide. Left and right cursor keys 54c and 54d may be used to change the video-on-demand program category. Select key 52 or Buy key 56 may be used to make selections such as when ordering video-on-demand programs by selecting one such program from the available program listings. Numeric keys 60 may be used to directly select a desired program during both normal

television viewing or while browsing video-on-demand programs" (Paragraph 0052). The supplemental information is requested by the user via the remote control. Ellis discloses that the supplemental information and the video content are unobscured. Given that the supplemental information and the video content are unobscured, there is no overlap. The supplemental information and the video content occupy distinct portions of the screen.

However, Ellis does not explicitly disclose that (1) the predetermined reduce size is defined by a perimeter having a plurality of sides, the predetermined reduced size occupying a major portion of the display, and the second portion of the display containing the supplemental data occupies two areas of the display, wherein each of the two areas is adjacent to different sides of the perimeter, and wherein the supplemental information in each area of the second portion of the display comprises descriptive information about one or more television programs.

(1) Bruck et al. (Bruck) discloses a system that allows the user to concurrently view video programming and supplemental data. Bruck discloses that the predetermined reduce size is defined by a perimeter having a plurality of sides (See Fig. 10, the four sides of 118) and the second portion of the display occupies two areas of the display (See Fig. 10, left side and bottom side of display), wherein each of the two areas is adjacent to different sides of the perimeter (See Fig. 10, left side and bottom side of 118). Furthermore, the predetermined reduced size occupying a major portion of the display (See Fig. 10, 118) and wherein the supplemental information in each area of the second portion of the display comprises descriptive information about one or more

television programs (See Fig. 10, left side: “Dr. Katz, 9:30 AM”, bottom side: chat room about the TV program; col. 2 lines 3-14, col. 7 lines 26-29, and col. 10 lines 11-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Ellis to have the predetermined reduce size defined by a perimeter having a plurality of sides, the predetermined reduced size occupying a major portion of the display, and the second portion of the display containing the supplemental data occupies two areas of the display, wherein each of the two areas is adjacent to different sides of the perimeter, and wherein the supplemental information in each area of the second portion of the display comprises descriptive information about one or more television programs, as taught by Bruck, in order to provide an efficient means for the user to simultaneous view a video program and supplemental data.

In regard to claims 19 and 30, see claim 1. The claimed limitations of a processor and memory are inherent to the reference.

In regard to claims 2 and 20, Ellis discloses the claimed limitation "the first video content is a television program which has been broadcasted and received by a television (Paragraph 0037) and one of the two areas of the display shows program information received by the television and relating to the television program (See Bruck Fig. 10, 124 and 126)".

In regard to claims 3-4 and 21-22, Ellis discloses that the supplemental information is selectively converted based on user selections, where the supplemental information (such as channel and broadcast times) relates to television/video programs.

"Program guide information 21 transmitted by main facility 22 to regional television distribution facility 26 may include television program listings data for current programs, future programs, and video-on-demand programs. The program listings data for each program may include (but is not limited to) the title of the program, the channel for the program, a scheduled broadcast time (start-time) and an ending time (or duration). Other typical program data may include ratings, critics ratings, brief text descriptions, genres (sports, movies, children, etc.), actors, etc. Transmitted program information may also include advertising information and pay program data such as pricing information for individual programs including VOD programs and subscription channels, time intervals for ordering programs and channels, telephone numbers for placing orders that cannot be impulse ordered, etc" (Paragraph 0044).

In regard to claims 9-11, the disclosed program guide information data and advertisements are messages that are intended to be conveyed to the user. The info key may be used to selectively convert the specific portion of the supplemental information (Paragraph 0044).

In regard to claim 12, Ellis discloses video content is represented by data from a server via a connection to the server. "In the arrangement shown in FIG. 2, a video server. 29 may be included in distribution facility 26, which may contain a database 31 (FIG. 3) of video-on-demand programs for supplying those programs to viewers. Video server 29 (FIG. 3) may be comprised of any suitable digital, analog, or mixed digital and analog storage and retrieval system 33 that can provide viewer television equipment 30 with a video signal of a requested program. Such systems may include (but are not

limited to) video cassette recorder (VCR) systems, digital versatile disc systems (DVD), laser disc systems, optical disc systems, magnetic tape and disc systems, and magneto-optical systems (such as a read/write digital disc systems), etc" (Paragraph 0038).

In regard to claim 13, the Ellis reference discloses a method of adjusting the size of video programming information as well as supplemental information in a program guide display where the video content displayed is retrieved on demand from a server. The reference fails to disclose the use of Internet.

However, the examiner gives OFFICIAL NOTICE that it is notoriously well known to use the Internet to provide far-reaching communications across interconnected networks, between computers with diverse hardware architectures and various operating systems. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Ellis in view of Bruck with the use of Internet for the stated advantage.

In regard to claims, 91 and 93, Ellis discloses that the program information may also include advertising information (See Paragraph 0044).

In regard to claims 92 and 94, Ellis discloses receiving a user command to display message information (See Paragraphs 0052-0053).

In regards to claims 103 and 104, the other of the two area of the display shows a browse indicator (See Ellis Fig. 6a, navigational arrowheads).

6. Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 20040226042A1) in view of Bruck et al. (US007143428B1) as applied to claim 1 above, and further in view of Knudson et al. (US006536041B1).

Ellis in view of Bruck does not explicitly disclose that the aspect ratio of the original size is maintained in the predetermined reduce size.

Knudson et al. (Knudson) discloses a system that allows the user to concurrently view video programming and supplemental data. Knudson discloses that the aspect ration is maintained in the predetermined reduce size (See col. 14 lines 59-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Ellis in view of Bruck to maintain the aspect ratio in the predetermined reduce size, as taught by Knudson, in order to preserve the original format of the television program.

7. Claims 99-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 20040226042A1) in view of Bruck et al. (US007143428B1) and Knudson et al. (US006536041B1).

In regard to claim 99, Ellis discloses an interactive television program guide where the viewer may direct a television to simultaneously display a selected television program and a program guide (abstract). The claimed steps of "displaying a first video content having an original size on a display", "converting the first video content to a format wherein the first video content is reduced in size from the original size and displayed on a first portion of the display", "converting data associated with the

supplemental information to a format wherein at least one of textual content and graphic content representing at least a portion of the supplemental information is displayed on a second portion of the display separate from the first portion of the display at the same time as the first video content is displayed on the first portion of the display" and "wherein the first video content is reduced in size and displayed on the first portion of the display and the supplemental data is displayed on the second portion of the display in response to at least one command input from a user watching the display" are met by the system shown in Figure 2. "Set-top box 34 can be directed to present program guide display 70 on main display screen 72. Set-top box 34 may re-proportion (i.e., shrink) the amount of screen area used by current program 77 (channel 5) such that main display screen 72 presents both program guide display 70 and current program 77 unobscured (not shown). However, if desired, program guide display 70 may also be superimposed on top of a portion of current program 77 as shown in FIG. 6. This allows the viewer to simultaneously view video-on-demand program listings while viewing a television program on main display screen 72" (Paragraph 0054). The user does not control the size of the "first" or "second portion" of the display; therefore the reduced size of the major portion of the display is predetermined. "Program guide information 21 transmitted by main facility 22 to regional television distribution facility 26 may include television program listings data for current programs, future programs, and video-on-demand programs. The program listings data for each program may include (but is not limited to) the title of the program, the channel for the program, a scheduled broadcast time (start-time) and an ending time (or duration). Other typical program data may

include ratings, critics ratings, brief text descriptions, genres (sports, movies, children, etc.), actors, etc. Transmitted program information may also include advertising information and pay program data such as pricing information for individual programs including VOD programs and subscription channels, time intervals for ordering programs and channels, telephone numbers for placing orders that cannot be impulse ordered, etc"(Paragraph 0044). "An illustrative remote control 50 is shown in FIG. 5. During normal operation, play key 58 or VOD browse key 51 may be used to toggle the program guide display on and off the main display screen. Channel up and down keys (channel keys) 57 may be used to change the channel to which set-top box 34 is tuned. Up and down cursor keys 54a and 54b may be used to vertically scroll through the available video-on-demand programs on the program guide. Left and right cursor keys 54c and 54d may be used to change the video-on-demand program category. Select key 52 or Buy key 56 may be used to make selections such as when ordering video-on-demand programs by selecting one such program from the available program listings. Numeric keys 60 may be used to directly select a desired program during both normal television viewing or while browsing video-on-demand programs"(Paragraph 0052). The supplemental information is requested by the user via the remote control. Ellis discloses that the supplemental information and the video content are unobscured. Given that the supplemental information and the video content are unobscured, there is no overlap. The supplemental information and the video content occupy distinct portions of the screen.

However, Ellis does not explicitly disclose that (1) the predetermined reduce size is defined by a perimeter, the first portion of the display occupying a major portion of the display, and the second portion of the display occupies two areas of the display, wherein each of the two areas is adjacent to different sides of the perimeter, and wherein the supplemental information in each area of the second portion of the display comprises descriptive information about one or more television programs and (2) maintaining the aspect ratio of the first video content.

(1) Bruck et al. (Bruck) discloses a system that allows the user to concurrently view video programming and supplemental data. Bruck discloses that the predetermined reduce size is defined by a perimeter (See Fig. 10, the four sides of 118) and the second portion of the display occupies two areas of the display (See Fig. 10, left side and bottom side of display), wherein each of the two areas is adjacent to different sides of the perimeter (See Fig. 10, left side and bottom side of 118). Furthermore, the first portion of the display occupies a major portion of the display (See Fig. 10, 118) and wherein the supplemental information in each area of the second portion of the display comprises descriptive information about one or more television programs (See Fig. 10, left side: “Dr. Katz, 9:30 AM”, bottom side: chat room about the TV program; col. 2 lines 3-14, col. 7 lines 26-29, and col. 10 lines 11-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Ellis to have the predetermined reduce size defined by a perimeter, the first portion of the display occupying a major portion of the display, and the second portion of the display containing the supplemental data occupies two areas of the

display, wherein each of the two areas is adjacent to different sides of the perimeter, and wherein the supplemental information in each area of the second portion of the display comprises descriptive information about one or more television programs, as taught by Bruck, in order to provide an efficient means for the user to simultaneous view a video program and supplemental data.

(2) Knudson et al. (Knudson) discloses a system that allows the user to concurrently view video programming and supplemental data. Knudson discloses that the aspect ration is maintained for the first video content (See col. 14 lines 59-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Ellis in view of Bruck to maintain the aspect ratio of the first video content, as taught by Knudson, in order to preserve the original format of the television program.

Regarding claim 100, wherein one of the two areas of the display shows channel (e.g. network service provider) and broadcast information (e.g. Dr. Katz 9:30 AM) about the program shown on the first portion of the display (See Bruck Figs. 8 and 10; col. 8 lines 21-24), and the other of the two area of the display shows a browse indicator (See Ellis Fig. 6a, navigational arrowheads).

Regarding claim 101, wherein one of the two areas of the display shows advertising information and broadcast information (e.g. Dr. Katz 9:30 AM) about the program shown on the first portion of the display (See Bruck Figs. 9 and 10; col. 8 lines 21-24), and the other of the two area of the display shows a browse indicator (See Ellis Fig. 6a, navigational arrowheads).

Regarding claim 102, wherein the two areas of the display occupy two full sides of the display (See Bruck Fig. 10).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of McKissick et al. (US 20070124795A1) and DeWeese et al. (US 20050262542A1) for their similar method of displaying a video program and supplemental information simultaneously.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph G Ustaris/
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